This listing of claims will replace all prior versions, and listings, of claims in the application:

## LISTING OF CLAIMS

1. (currently amended) An isolated polynucleotide which is selectively expressed in prostate, [which is:] comprising: the nucleotide sequence of PR33a from nucleotide positions 1-5198 as set forth in SEQ ID NO. 1, the nucleotide sequence of PR33a from nucleotide positions 1763-5198, [PR33b as set forth in SEQ ID NO. 3, PRB008 as set forth in SEQ ID NO. 4, a polynucleotide having 95% sequence identity thereto,] or [a complement] complements thereto.

2. (currently amended) An isolated polynucleotide of claim 1, which comprises the nucleotide sequence of PR33a from nucleotide positions 1-5198 [is PR33a] as set forth in SEQ ID NO. 1.

3. (currently amended) An isolated polynucleotide of claim 1, which comprises the nucleotide sequence of PR33a from nucleotide positions 1763-5198 as set forth in SEQ ID NO. 1 [is PR33b as set forth in SEQ ID NO.3].

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4. (currently canceled)

5. An isolated polynucleotide probe for prostate, comprising:
SEQ ID NOS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, or a complement thereto.

6. An isolated probe of claim 5, which consists essentially of SEQ ID NOS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, or a complement thereto.

7. A method of detecting prostate tissue in a sample comprising nucleic acid, comprising:

contacting said sample with a polynucleotide probe under conditions effective for said probe to hybridize specifically to a nucleic acid of claim 1 in said sample, and

detecting the presence or absence of probe hybridized to said nucleic acid in said sample,

wherein said probe is a polynucleotide which is PR33a as set forth in SEQ ID NO. 1, PR33b as set forth in SEQ ID NO. 3, PRB008 as set forth in SEQ ID NO. 4, complements thereto, a polynucleotide having at least 95% sequence identity thereto, or effective specific fragments thereof.

8. A method of claim 7, wherein said probe is a contiguous sequence of at least 8 nucleotides selected from the sequence set forth in SEQ ID NOS. 1, 3, 4, or complements thereto.

9. A method of claim 7, wherein said probe is selected from SEQ ID NOS. 7-16, or a complement thereto.

10. A method of claim 7, wherein said detecting is performed by Northern blot analysis, polymerase chain reaction (PCR), reverse transcriptase PCR, RACE PCR, or in situ hybridization.

11. A method of claim 7, wherein said sample is blood, normal prostate, or prostate cancer.

12. A method of retrieving prostate-specific gene sequences from a computer-readable medium, comprising:

selecting a gene expression profile that specifies that said gene is selectively expressed in prostate, and

retrieving prostate-specific gene sequences, where the gene sequences comprise the sequences of claim 1.

13. A method of claim 12, wherein said gene has the nucleotide sequence set forth in SEQ ID NOS. 1, 3, 4, or complements thereto.

14. (currently canceled)

15. A method of claim 14, wherein said detecting is performed using a gel band-shift assay.

16. A computer-readable storage medium, consisting essentially of, polynucleotide sequences of claim 1.

17. A storage medium of claim 16, wherein said gene has a nucleotide sequence set forth in SEQ ID NO. 1, 3, or 4.

18. (currently amended) An array of polynucleotide probes, comprising:

nucleic acid probes selective for [prostate-selective genes comprising (a)] PR33a or PR33b [, and (b) PRB008],

wherein said probes are selected from [PR33a] the nucleotide sequence of PR33a from nucleotide positions 1763-5198 as set forth in SEQ ID NO. 1, the nucleotide sequence of PR33b from nucleotide positions 1655-5073 [PR33b] as set forth in SEQ ID NO. 3, [PRB008 as set forth in SEQ ID NO. 4,] or complements thereto, and

said probe is a contiguous sequence of at least 8 nucleotides.

19. (currently canceled)

20. (currently canceled)

21. (new) An isolated polynucleotide which is selectively expressed in prostate, comprising: the nucleotide sequence of PR33b from nucleotide positions 1-5073 as set forth in SEQ ID NO. 3, the nucleotide sequence of PR33b from nucleotide positions 1655-5073 as set forth in SEQ ID NO 3, or complements thereto.

22. (new) An isolated polynucleotide of claim 21, comprising the nucleotide sequence of PR33b from nucleotide positions 1-5073 as set forth in SEQ ID NO. 3, or a complement thereto.

23. (new) An isolated polynucleotide of claim 21, comprising the nucleotide sequence of PR33b from nucleotide positions 1655-5073 as set forth in SEQ ID NO 3, or a complement thereto.

## RESPONSE

Applicant elects, with traverse, Group 1, claims 1, 2, and 18. All the claims in the application involve related subject matter, e.g., human prostate genes. A search would therefore comprise overlapping subject matter, and it would not be an undue burden on the examiner to carry out a search. "If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) M.P.E.P. 803. Accordingly, withdrawal of the restriction is respectfully requested.

At the very least, it is clear that the restriction between Group 1 and 2 is improper and should be withdrawn. For example, as explained in detail on Page 3-6 of the specification, SEQ ID NOS 1 and 3 are related sequences:

> PR33a (SEQ ID NO. 1) and PR33b (SEQ ID NO. 3) are structurally related sequences. PR33a is about 5217 nucleotides in length, including a polyA tail, and has two Alu-type sequences at about nucleotide positions 319-440 (Alu I) and 2010-2226 (Alu II), both in a reverse or antisense orientation. PR33b is about 5093 nucleotides in length, including a polyA tail, and has a single Alu sequence in reverse at nucleotide positions 1837-2092 which corresponds to the Alu II sequence of PR33a, but is missing the Alu I sequence. SEQ ID NO. 2 is the nucleotide sequence which is present in Pr33a, but absent from Pr33b. PR33a has an additional CAG triplet (the Alu I sequence, itself, has a 3' CAG triplet at its terminus) adjoining the 3' end of its Alu I sequence which is absent from PR33b. Other than these two differences, PR33a and PR33b share the same nucleotides sequence and appear to arise from the same gene (see below). In addition to the transcripts corresponding to PR33a and PR33b, other cDNAs arising from the same gene have been detected. These are described in more detail below in the section describing genomic DNA.

For these reasons, withdrawal of the restriction is respectfully.

Respectfully submitted,

By:_____

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